able to identify the person who, he says, told him, is not evidence of any intent to aid the officers. According to plaintiff's testimony, the request was made simply to avoid further trouble. There is no evidence whether or not defendant's servants knew that plaintiff's suit case was properly labeled as containing whisky, or that they knew why the officers ejected him from the car. Knowing that they were officers, the defendant's agents were under no duty to inquire into the legality of their acts. The following authorities are in point and support the principles announced in this opinion: 4 R. C. L. 1194; 10 C. J. 908; Nashville, C. & St. L. R. Co. *v.* Crosby, 183 Ala. 237, 62 South. 889; Louisville & Nashville R. Co. *v.* Byrley, 152 Ky. 35, 153 S. W. 36, Ann. Cas. 1915B, 240; Brunswick & Western R. Co. *v.* Ponder, 117 Ga. 63, 43 S. E. 430, 60 L. R. A. 713, 97 Am. St. Rep. 152; and Thompkins *v.* M., K. & T. Ry. Co., 211 Fed. 391, 128 C. C. A. 1, 52 L. R. A. (N. S.) 791.

"Counsel for plaintiff insist that I. W. Clark, although appointed by the governor of the state, was a special agent of the railway Company, and assisted the officers in ejecting plaintiff and other passengers from the train. Said Clark was not acting as agent of the railway company on this occasion. He swears he was deputized by Mr. Keadle and Mr. Slater, the prohibition officers, to assist them, and his testimony is not denied. He was acting outside of his duty to the railway company and as a deputized officer, and his assistance in expelling plaintiff constitutes no ground of liability on defendant."

Health—Compulsory Examination for Venereal Diseases.—In Wragg *v.* Griffin, 170 N. W. 400 the Supreme Court of Iowa held that a rule of a board of health directing officers to make such examinations of persons reasonably suspected of having syphilis or gonorrhea as may be necessary to carry out the health regulations, and making it the duty of the mayor to have suspected persons investigated, does not authorize the board of health to deprive one suspected of venereal disease of his liberty for the purpose of compelling the extraction of blood from his veins in search of evidence of the disease.

The court said in part: "The respondents place special emphasis on that part of the rules of the state board to which we have already referred, where it is made the duty of the mayor to direct the chief of police to cause persons suspected of being diseased, 'to be investigated,' and authorizing health officers in such cases 'to make examinations' of suspected persons, and to detain them as long as it may be necessary to determine whether they are so afflicted. But even here there is an entire absence of any express authority to subject a suspected person to an examination by physical

force, or by an extraction of blood from his body by violence for experimental purposes. Men and women were examined and treated by physicians for sexual diseases for generations before the so-called 'Wasserman test' was discovered or invented, and, so far as we are informed, with reasonably reliable results. At least, there is no evidence that, even in the technical phrase of physicians, the word 'examination,' in such cases, is understood as necessarily meaning a blood test by the Wasserman method, or by any other method involving violation of the person, and, in the absence of explicit authority for the subjection of a person to such treatment, upon suspicion alone, it ought not to be approved as a valid exercise of authority. This petitioner may be a bad man, but we have no right to assume such a fact for the purpose of minimizing his claim to protection of the ordinary rights of person, which law and the usages of civilized life regard as sacred until lost or forfeited by due conviction of crime. Even when charged with the gravest of crimes, he cannot be compelled to give evidence against himself, nor can the state compel him to submit to a medical or surgical examination, the result of which may tend to convict him of a public offense (State *v.* Height, 117 Iowa 650, 59 L. R. A. 437, 94 Am. St. Rep. 323, 91 N. W. 935); and, if there be any good reason why the same objections are not available in a proceeding which may subject him to ignominious restraint and public ostracism, it is, at least, a safe and salutary proposition to hold that, before the courts will uphold such an exercise of power, it must be authorized by a clear and definite expression of the legislative will. This we do not have, and, in our judgment, the restraint of the petitioner, not as a diseased person whose detention in a separate house or hospital the statute authorizes, but solely as a suspect and for the avowed purpose of forcing the exposure of his body to visual examination, and compelling the extraction of blood from his veins in search of evidence of a loathsome disease, which may or may not exist, is a deprivation of his liberty without due process of law, and he is entitled to be set free."

Marriage—Fraud Not Justifying Annulment.—In Schachter *v.* Schachter, 178 N. Y. S. 212, the Supreme Court of New York held that it is not ground for the annulment of a marriage by civil ceremony, that the bridegroom promised that there should later be a Jewish ceremony, and refused to fulfill his promise; there being no misrepresentation of an existing fact.

The court said in part: "The plaintiff seeks an annulment of her marriage. She bases her complaint solely upon the assertion that—

'The defendant falsely and fraudulently represented to her that, if she would procure a marriage license with him and have a cere-